

# **Background Briefing Packet: Issues Surrounding the Impact of Eliminating the U.S. Contribution to the United Nations Population Fund**

**Prepared by the Office of Congresswoman Carolyn B. Maloney**

**\*\* This briefing packet was prepared before the President made his decision regarding funding for UNFPA. It will be updated as information is made available.**

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## FREQUENTLY ASKED QUESTIONS

**Q.** How much money does the U.S. give to UNFPA programs in China?

**A. Zero.** *No U.S. funds have supported UNFPA programs in China since 1985. According to the language of the FY02 Foreign Operations Appropriations bill, which President Bush signed on January 10, 2002, none of the \$34 million made available for UNFPA may be used for a country program in the People's Republic of China. To ensure this, the bill goes on to say that U.S. contributions for UNFPA must be kept in a separate account from other accounts and that these monies must not commingle with any other sums.*

**NO U.S. monies go to fund UNFPA programs in China.**

*(For more information, please see p. 7)*

**Q.** How much money did UNFPA spend in China last year and what was it used for?

**A.** *UNFPA spent \$3.5 million in China last year, of which less than 10% went directly to the Chinese Government. The money spent in China was specifically used to publish a book on women's rights and human rights, training of family planning workers in quality of care and volunteerism, high-quality contraceptives, women's empowerment activities, monitoring of program activities, and study tours to other countries to observe programs which are based in voluntary family planning. Similarly, the Bush Administration announced in June that it would give the Chinese Government \$14.8 million for a program on HIV/AIDS prevention. Unlike the UNFPA funds, the U.S. Government money is fungible*

*(For more information on the difference in the use of funds, please see p.9)*

**Q.** Can you explain the Bush interpretation of Kemp-Kasten?

**A.** *The Bush Administration's interpretation of Kemp-Kasten exceeds even the broadest reading of the law. The Bush Administration's own investigative team found no evidence of UNFPA's involvement in coercive activities in China. Yet, the Administration contends that UNFPA is in violation of Kemp-Kasten, relying on a strained interpretation that a mere presence in China is tantamount to support for any coercive practice in the country. By that logic, the United States would not have relations with China at all, in view of widespread human rights abuses. As all of UNFPA activities in China relate to elimination coercion, the ironic result of the Administration's stretched interpretation is to punish an organization that is trying to eliminate the abuse the law was designed to address.*

*(For more information on the broad interpretation of Kemp Kasten and how this interpretation may impact other international organizations like UNICEF, please see pp. 11 -12)*

**Q.** Isn't it true that forced sterilization and coercive abortion practices take place in China?

**A.** *Unfortunately, the answer is 'yes,' which is why UNFPA is supporting efforts to prove that voluntary family planning, not coercion is more effective and consistent with international human rights standards. For more than 20 years, the UN Population Fund, UNFPA, has been working in China to encourage adoption of internationally recognized principles for the conduct of family planning and related health efforts. In fact, with the help of UNFPA, in 2001, China passed a law prohibiting the use of coercion, and criminalizing coercive practices. While the new law also includes the "social compensation fee" and the one child policy, it ensures that the social compensation fee will be collected, starting in September, by provincial authorities and submitted to the national government. In the past, the social compensation fee was collected by family planning workers which led to abuse and corruption. UNFPA continues to strenuously object to all coercive practices, including the social compensation fee, in China.*

*(For more information on how UNFPA's work in China helps reduce the number of abortions and increases understanding of family planning options, please see p. 14)*

**Q.** Didn't the UK send a similar fact-finding team to China to investigate UNFPA's programs there?

**A.** *Yes. In Spring 2002, the UK send a 3-person team of Members of Parliament to China to investigate UNFPA. Edward Leigh MP, a member of the delegation, is the strongest opponent of population programming in the British House of Commons. He worked closely last year with PRI in securing support from local anti-choice groups.*

*The delegation reported that it found **no evidence of coercive family planning, sterilization, or forced abortion practices** in UNFPA supported counties. (MP Leigh was quoted as saying "I have changed my mind. UNFPA is a force for good).*

*(For more information about the UK delegation's report, please go to p. 15)*

*Prepared by the Office of Congresswoman Carolyn B. Maloney*

**PREVIOUS BUSH ADMINISTRATION SUPPORT OF  
INTERNATIONAL FAMILY PLANNING  
IN GENERAL  
AND  
THE UNITED NATIONS POPULATION FUND IN SPECIFIC:**

1. On **January 17, 2001**, at the confirmation hearing of General Colin Powell to be Secretary of State, before the Senate Foreign Relations Committee, the following question was posed and answered:

**“Question:** The United Nations Population Fund (UNFPA) is the world’s largest organization providing family planning services and maternal and child health care. It works to improve access to and the quality of voluntary family planning services in approximately 150 countries in the poorest regions of the world. The United States has been inconsistent in its support of UNFPA, but recently Congress and the Administration reinstated funding for UNFPA for FY-2000 and for FY-2001. Will you work with the Senate to ensure that sufficient funding continues for this vital health organization?”

**Answer:** We recognize that **UNFPA does invaluable work through its programs in maternal and child health care, voluntary family planning, screening for reproductive tract cancers, breast-feeding promotion, and HIV/AIDS prevention.** Its multilateral activities also can complement our important bilateral population assistance efforts. We look forward to working with you and your colleagues **to secure the funding necessary for UNFPA** to continue these activities. We will also work closely with the Congress on other areas of concern, including oversight of UNFPA’s program in China.”

2. On **January 22, 2001**, the Bush Administration released the following statement:

**“...[The President] knows that one of the best ways to prevent abortion is by providing quality voluntary family planning services....**This policy recognizes our country's long history of providing international health care services, including voluntary family planning to couples around the world who want to make free and responsible decisions about the number and spacing of their children. “

3. On **February 27, 2002** Arthur E. Dewey, Assistant Secretary of State testified before the Senate Committee on Foreign Relations, Subcommittee on International Operations and Terrorism:

“Throughout its more than 30-year history, the U.S. international family planning program has had strong support from the American public as well as Congress. This program is recognized worldwide as an important component of our foreign assistance. The United States remains the largest bilateral donor of population assistance in the world, with programs in nearly 60 countries. **We have also been the largest bilateral donor to UNFPA, providing more than \$610 million since UNFPA was founded in 1968....**As President Bush has said, "One of the best ways to prevent abortion is to provide quality voluntary family planning services." And we know that reproductive health care and family planning saves lives by reducing pregnancy-related deaths around the world.

I know that Secretary Powell has testified before you and your colleagues on the good work UNFPA has done in so many areas around the world. **We support the work UNFPA is doing worldwide to provide safe and voluntary family planning, enhance maternal and infant health, and prevent the spread of HIV/AIDS....**

In closing, let me reiterate this Administration's strong commitment to international family planning. As I mentioned, we are, and continue to be, the largest bilateral provider of voluntary family planning and related primary health care.”

*Prepared by the Office of Congresswoman Carolyn B. Maloney*

## **NO U.S. MONEY GOES TO PROGRAMS IN CHINA**

**On January 10, 2002**, President Bush signed the FY02 Foreign Operations Appropriations bill, which clearly states that none of the \$34 million made available for UNFPA may be used for a country program in the People's Republic of China. The language was written to guarantee that U.S. contributions are kept in a separate account and to further ensure that the U.S. money is not being used in China.

The exact language of the bill follows:

### **“SEC. 4. LIMITATIONS ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS POPULATION FUND.**

(a) **PROHIBITION ON USE OF FUNDS IN CHINA**- None of the funds made available or authorized to be appropriated by this Act may be made available for the United Nations Population Fund (hereinafter in this Act referred to as the 'UNFPA') for a country program in the People's Republic of China.

(b) **CONDITIONS ON AVAILABILITY OF FUNDS**- Amounts made available or authorized to be appropriated by this Act may not be made available to UNFPA unless--

(1) the UNFPA maintains amounts made available to the UNFPA under this Act in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this Act with other sums; and

(3) the UNFPA does not fund abortions as a method of family planning.”

**NO** U.S. money goes UNFPA programs in China and **NO** evidence links UNFPA to acts of coercion in China. However, the Bush Administration is preventing much-needed money from reaching over 140 *other* countries around the world because it has invoked the prohibitive Kemp-Kasten provision based on unseen and unknown evidence.

*Prepared by the Office of Congresswoman Carolyn B. Maloney*

## THE BUSH ADMINISTRATION ARBITRARILY PICKS AND CHOOSES WHO AND WHAT TO FUND IN CHINA

**On June 28, 2002**, the Bush Administration announced that HHS Secretary Tommy Thompson signed a Memorandum of Understanding with the Chinese Ministry of Health to closely coordinate on HIV/AIDS programs. In conjunction with the MOU, **the United States will provide \$14.8 million to the Chinese Government and post two staff from the Centers for Disease Control to China to assist with implementation of the program.**

**This is the same Ministry of Health that performs between a third and a half of abortions in China, with the remainder performed by the State Family Planning Commission.**

**Kemp Kasten may only impact the Foreign Operations bill; however, if it did impact CDC moneys, under the Administration's logic, the Centers for Disease Control and HHS would be in violation of Kemp Kasten.**

Further, while the Department of Health and Human Services should be congratulated for its work to combat the spread of HIV/AIDS by contributing \$14.8 million to the Chinese Government, **this money is fungible.** In other words, since the money is going directly to the Ministry of Health, other monies in the Ministry of Health's budget are now available for other purposes. As noted earlier, abortion is legal in China and the Ministry of Health performs between a third and a half of abortions in China. Essentially, the \$14.8M could be used to fund abortions in China. However, the Bush Administration, in its inconsistent application of policy, happily funds the Chinese Government.

"My Department has just entered into an agreement with China this past week, which we gave them \$14.8 million to assist them in their fight in China. And so **we are fighting on humanitarian grounds, we're fighting it because it's the right thing to do**, but we also realize fully, as you've indicated, that unless we do something, there are some countries that are going to be very unstable in the future because of the decimation that this terrible disease is going to raise in those countries." -- Tommy Thompson, the U.S. Secretary of Health and Human Services, speaking at the International Conference on Aids on Monday July 8, 2002.

Similar to the CDC, UNFPA works on humanitarian grounds because it's the right thing to do and works to prevent the spread of HIV/AIDS (among other things).

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**UNFPA GAVE THE CHINESE GOVERNMENT \$300,000 WHICH WAS  
USED TO PUBLISH A BOOK ON WOMEN'S RIGHTS**

UNFPA spent \$3.5 million in China last year, of which less than 10% went directly the Chinese Government. The money spent in China was specifically used to publish a book on women's rights and human rights. In other words, it was an earmark for this particular project. The money was NOT fungible.

*Prepared by the Office of Congresswoman Carolyn B. Maloney*

## **MONEY IS FUNGIBLE...IN SOME CASES**

**On June 28, 2002**, as noted previously, the Bush Administration announced it was giving \$14.8 million to the Chinese Government to work on the prevention and spread of HIV/AIDS. **This money is fungible.** In other words, since the money is going directly to the Ministry of Health, other monies in the Ministry of Health's budget are now available for other purposes. As noted earlier, abortion is legal in China and the Ministry of Health performs between a third and a half of abortions in China. Essentially, the \$14.8M could be used to fund abortions in China. However, the Bush Administration, in its inconsistent application of policy, happily funds the Chinese Government.

In contrast, the \$300,000 given by UNFPA to the Chinese Government was an earmark to publish a book on women's rights and human rights. **This money was not fungible** and could not contribute to coercive abortions. In fact, the book likely educated women on various family planning options, thus preventing the need for abortions.

Again, the Bush Administration picks and chooses which organization to support, ignoring both the facts and the hypocrisy

*Prepared by the Office of Congresswoman Carolyn B. Maloney.*

## **THE BUSH ADMINISTRATION'S "INTERPRETATION" OF KEMP KASTEN IS OVERLY BROAD AND HAS SERIOUS IMPLICATIONS FOR OTHER INTERNATIONAL ORGANIZATIONS**

It appears that the Administration will invoke Kemp-Kasten based on China's one-child policy which imposes an extra tax (Social Compensation Fee – SCF) for having more than one child.

This policy is set by the State Council, not the State Family Planning Commission. As a result, the policy covers all ministries, including the Ministry of Health, not just the State Family Planning Commission.

The Bush Administration has apparently concluded that the SCF results in coercive abortions because the tax could *possibly* influence a family to have an abortion.

Under the language of Kemp-Kasten, any organization that supports or participates in the management of a program of coercive abortion or involuntary sterilization is ineligible for U.S. assistance. The Administration has not found that UNFPA is directly involved in these coercive practices. By claiming that activities that in effect are necessary elements of a working relationship with the Chinese Government (which is an obvious prerequisite for making any institutional change), the Bush Administration is grabbing a straws by claiming a violation of Kemp-Kasten.

The reason the Administration is targeting UNFPA, is because they want to appease their domestic political base and have found a convenient target in UNFPA. The Administration was unable to produce evidence to link UNFPA with any involvement in coercive policies, and had to resort to inventing preposterous linkages — far weaker than the links the Administration itself has with the Chinese government. . In fact, according to press reports, the Administration's own delegation reported that: "the U.N. program improved women's lives by helping them prevent unwanted pregnancies through education and birth control..." (July 14, 2002, *Knight Ridder Newspapers*)

By relying on a broad and unsustainable interpretation of Kemp-Kasten, the Administration is hard-pressed to distinguish its denial of funding to UNFPA from other international and non-governmental organizations currently receiving U.S. assistance.

For example:

### **UNICEF**

UNICEF has an annual expenditure in China of over \$30 million, including over \$5 million in health related expenditures. Their funding includes support for life-saving programs in safe motherhood, including treatment of complications from abortion, immunization, and nutrition. Notably, all of these funds are provided to the Chinese Ministry of Health. .

It is unclear why the Administration is singling out UNFPA, while it continues to provide funding for UNICEF. Under the Bush Administration's interpretation of Kemp-Kasten, UNICEF would also be in violation.

## **WORLD BANK**

There are many cooperation projects between the World Bank and the Ministry of Health, focusing on HIV/AIDS, health policy, tuberculosis, water sanitation in rural places, renovation of health facilities to provide systematic prenatal, obstetric, labor and delivery and post-natal care, etc. Their big health project is called "Health 9 project," which aims at reduction of maternal and child mortality and morbidity, improvement in child development, and HIV/AIDS prevention and control.

Again, under the Bush Administration's interpretation of Kemp-Kasten, the World Bank would also be in violation.

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## **U.S. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM (TANF)...SOME STATES WOULD BE CITED FOR COERCIVE FAMILY PLANNING PRACTICES**

Many Republicans support the TANF program and moving families off welfare. Since states have flexibility in how they administer their programs, some have opted to cap cash assistance benefits when families on welfare have additional children; thereby associating an economic penalty for having more children. This is similar to the Chinese policy which imposes a social tax on families when they have more than one child in urban areas and more than two children in rural areas.

Using this “logic,” if the United States was subject to Kemp-Kasten, under the Bush Administration’s interpretation of Kemp-Kasten, some states would be in violation, cited for coercive family planning practices and would be subject to defunding of their TANF programs.

**In May 2002**, the U.S. Department of Health and Human Services issued a report titled “Temporary Assistance for Needy Families Program: Fourth Annual Report to Congress” which stated the following:

“While PRWORA did not include a specific family cap provision, States have the flexibility under TANF **not to increase cash assistance after the birth of an additional child to a family receiving TANF benefits. Sixteen States have elected not to increase cash assistance after the birth of an additional child while the family is on TANF.** Idaho and Wisconsin have flat grants. In Idaho, the TANF grant is typically the same amount for families of all sizes.”

Similar to the Chinese policy which associates economic penalties for having more children, these state policies give disincentives to having children and therefore constitute coercive family planning.

If the Bush Administration used its own interpretation of Kemp-Kasten, it would have to cut TANF funding to at least 16 States.

*Prepared by the Office of Congresswoman Carolyn B. Maloney*

## WITH THE HELP OF UNFPA, CHINA IS CHANGING ITS LAWS

**In 2001**, China passed a new national population law that represents significant progress toward the rule of law and adoption of fundamental human rights principles.

For example, for the first time the law adopted in 2001:

- **prohibits the use of coercion, and criminalizes coercive practices;**
- establishes the concept of informed choice in terms of the use of contraceptives;
- overrides overbearing, harsh provincial regulations, and eviscerates prior national law stipulating coercive practices in certain circumstances

This change in law was a direct result of UNFPA's current program and ongoing constructive engagement in China on behalf of voluntary family planning. UNFPA has been able to encourage Chinese authorities to recognize the greater wisdom of population policies that respect international human rights standards and agreements.

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## **THE UNITED KINGDOM SENT A TEAM TO CHINA TO INVESTIGATE...THEIR REPORT WAS RELEASED, GIVING UNFPA A CLEAN BILL OF HEALTH**

**In April** (April 1 - 9), the United Kingdom sent a 3-person delegation to investigate the UNFPA's work in China. Included in this team was, Edward Leigh MP. Edward Leigh is the strongest opponent of population programming in the British House of Commons. He worked closely last year with PRI in securing support from local anti-choice groups. He tabled a bill to defund UNFPA in the Commons that failed after the 2<sup>nd</sup> reading and worked behind the scenes with the House of Lords' colleagues where there was another vote. His side lost 140 - 64.

**After visiting China last April, his impression of UNFPA and PRI dramatically changed (IN THE FAVOR OF UNFPA).**

The delegation reported that it found **no evidence of coercive family planning, sterilization, or forced abortion practices** in UNFPA supported counties.

Instead, they concluded that **the work of UNFPA, in China, is having a positive effect and is playing an important and catalytic role**, in the reform of FP/RH services, in China. Changing the focus from an administrative family-planning approach to a client-oriented, quality-of-care approach, where women are given a choice over their own lives.

While there are still problems in parts of China with reproductive rights, the government is moving in the right direction, **with the support of UNFPA**.

For a copy of the full report, please go to [www.house.gov/maloney](http://www.house.gov/maloney)

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## **UNFPA SERVES WOMEN IN 140 COUNTRIES VS. USAID WHICH WORKS IN ONLY 84**

### **UNFPA vs. USAID**

Based on population project expenditure data for UNFPA in 2000 and for USAID in FY 2001 (latest available for both), a comparison of the countries where UNFPA operates but USAID does not have a program follows below grouped by geographic region. Overall, **UNFPA works in 140 countries, as opposed to only 84 for USAID.** Many of the nations where there is no USAID presence suffer under political turmoil and poor living conditions and serve as "breeding grounds for terrorists."

**Sub-Saharan Africa:** Cape Verde, Central African Republic, Chad, Equatorial Guinea, Gabon, Gambia, Guinea-Bissau, Liberia, Mauritius, Sao Tome and Principe, Seychelles, and Sierra Leone

**Asia and the Pacific:** Afghanistan, Bhutan, China, Cook Islands, Democratic People's Republic of Korea, East Timor, Islamic Republic of Iran, Lao People's Democratic Republic, Malaysia, Maldives, Marshall Islands, Micronesia, Myanmar, Pacific Multi-Islands, Pakistan, Papua New Guinea, Samoa, Solomon Islands, and Vanuatu

**Arab States & Europe:** Algeria, Bahrain, Belarus, Bosnia and Herzegovina, Bulgaria, Djibouti, Estonia, Iraq, Kosovo, Latvia, Lithuania, Moldova, Oman, Poland, Sudan, Syrian Arab Republic, Tunisia, and United Arab Emirates

**Latin America & Caribbean:** Caribbean, Costa Rica, Cuba, Panama, Suriname, Uruguay, and Venezuela

**Total assistance provided by UNFPA to these 56 countries without USAID programs equals \$24.6 million, roughly the same amount the President requested for UNFPA in FY 2002.**

Note: USAID does have regional programs that may reach some of these 56 countries.

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## **THE BUSH ADMINISTRATION HAS A HISTORY OF MISLEADING THE PUBLIC AND REPORTING FALSE STATEMENTS WHEN IT COMES TO U.S. FUNDING FOR INTERNATIONAL FAMILY PLANNING**

**On January 22, 2001**, President Bush, as his first action as president, reinstated the Global Gag Rule or Mexico City Policy which is designed to prevent Non-Governmental-Organizations (NGO's) that receive federal family planning funds from spending their *own* funds advocating for or providing support for abortions.

Mexico City language is unrelated to the issue of taxpayers funds being used for abortions, because since 1973, under the Helms Amendment, the U.S. prohibits U.S. funds from being used for the performance of abortions by foreign recipients of international family planning aid. Mexico City language is designed to prevent Non-Governmental-Organizations (NGO's) that receive federal family planning funds from spending their *own* funds advocating for or providing support for abortions.

However, Ari Fleischer continued to report that:

*"The President does not support using taxpayer funds to apply for abortions."*

When a reporter specifically asked:

*"Is the President aware that under the 1973 law, the use of American money for abortions abroad is banned. This money isn't used for abortions."*

Mr. Fleischer failed to address the point and instead, continued to make erroneous official comments on behalf of the President, and disseminated information that associated international family with abortion. Misrepresenting an issue to alter public opinion is questionable at best.

Now, the Bush Administration rejects the recommendation of its own fact-finding team which has stated that UNFPA does not support coerced abortions and actually helps prevent abortions through education and contraception. Instead, it chooses to disseminate false information about the work of UNFPA in China and to broadly interpret Kemp-Kasten so that it can defund the U.N. group.

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## **ANTI-FAMILY PLANNERS WORKED BEHIND THE SCENES TO DEFUND UNFPA BECAUSE THEY KNEW UNFPA WOULD WIN A FLOOR VOTE**

On July 19, 1999, was the last time the House had a floor vote on UNFPA. It was an amendment offered by then-Representative Tom Campbell (R-CA) which passed overwhelmingly, 221 - 198.

What was remarkable about this vote was that the amendment won by a considerable margin and seven solidly pro-family planning members did not vote. The tally could have been as high as 228.

Why is this vote important? This vote displays exactly the reason why a backroom deal on UNFPA was made instead of having a floor debate on the issue:

Representatives Hastert, Armey, and Delay sent a secret letter to the President urging him to withhold the \$34 million from UNFPA. This request was based on unsubstantiated allegations made by the Population Research Institute. But, Leadership never mentioned these troubling findings before. In fact, Reps. Armey and Delay both voted for the For. Ops. Conference report which funded UNFPA at \$34 million. They didn't mention this concern before the bill was signed because they knew they didn't have the votes on the floor to kill the deal. Instead, they resorted to a backroom deal which would advance the agenda of the right wing while risking the lives of millions of women and children around the world.

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